IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3780 OF 2007

IN

SUIT NO.1135 OF 1980

The Cotton Corporation of India Ltd. .. Plaintiffs.

Versus

Mahalakshmi Fibre & Industries Ltd. .. Defendants.

Mr.U.A.Mahajan i/b.Divekar & Co. for plaintiffs.

Ms.Sowmya Shrikrishna a/w.Ms.A.Gupta i/b.M/s.Bachubhai Munim & Co. for defendants.

CORAM : A.M.KHANWILKAR, J.

DATE : 15th October, 2007.

P.C.:

1. Counsel for the plaintiffs submits that the plaintiffs be given time to file reply, opposing the present notice of motion. The motion was served on the plaintiffs in the last week and it had been made returnable on 11th October, 2007.

2. In my opinion, instead of delaying the matter

further, as the suit is of the year 1980 and upon considering the grounds set out in the affidavit in support of the motion, I am convinced that sufficient cause for condoning the delay in filing the written statement is made out. This is so because, initially there was stay order in the present proceedings which remained in operation till 2005. After, 2005, the defendants had approached before B.I.F.R.

3. Taking overall view of the matter, the defendants will have to show indulgence. Accordingly, this notice of motion is made absolute in terms of prayer clauses (a) and (b) on condition that the defendant No.1 to pay costs to the plaintiffs in the sum of Rs.3,000/- within one week from today. Payment of costs is condition precedent for allowing this motion.

4. Notice of motion is disposed of today as the same has been placed alongwith the main suit which was to be heard today.

(A.M.KHANWILKAR, J.)